



No Smoking Policy

ABSTRACT

The purpose of this policy is to describe how Peterlee Town Council (the Council) will fulfil its legal obligation to provide, as far as possible, a smoke-free working environment for council employees, elected members and visitors.

Kay Tweddle, Deputy Town Clerk
November 2020

Please think before printing this document.

Where printing is necessary, please ensure that it is printed double sided and in greyscale.

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1 Introduction

1.1 What is the policy about?

The purpose of this policy is to describe how Peterlee Town Council (the Council) will fulfil its legal obligation to provide, as far as possible, a smoke-free working environment for council employees, elected members and visitors. It is recognised that the council has a duty to demonstrate leadership in our community on the issue of reducing the level of smoking in Peterlee. The primary aim is to secure a smoke/vapor-free workplace, thus minimizing the effect of tobacco smoke or e-cigarette vapor within the council.

The Government continues to emphasize the dangers of second hand smoke to health and has legislated to reduce the risk of second hand smoke through the Health Act 2006, which came into effect on or after 1 April 2007. In addition, all employers have a duty under The Health and Safety at Work, etc. Act 1974 to:

Ensure, so far as is reasonably practicable, the health, safety and welfare at work of all their employees.

Therefore, in accordance with legislation, all council buildings including grounds, car parks and council vehicles will be smoke-free, apart from any authorised and designated smoking areas as described in section 2.2 below.

1.2 Policy objectives

The objectives of this policy are to:

- protect the health of the public, visitors and contractors when visiting council buildings or using the facilities;
- provide information to employees and managers of their responsibilities in respect of the policy;
- support employees who smoke/vape to help them comply with the policy, including supporting anyone who wishes to give up smoking; and
- promote the culture of a smoke-free County Durham.

1.3 Electronic or e-cigarettes

With the introduction into general public use of Electronic Nicotine Delivery Systems (ENDS), more commonly known as electronic or e-cigarettes, this No Smoking Policy informs council employees and elected members of the council's position on the use of e-cigarettes in council premises.

Electronic cigarettes are battery powered devices which deliver a vaporized liquid nicotine solution to the inhaler and mimic a real cigarette in that they emit a 'smoke like' vapor when used. E-cigarettes are not a tobacco product and to date there is no statutory prohibition of their use in the workplace. However, as e-cigarettes are currently only covered by general product safety legislation and are unregulated as a smoking cessation aid, the safety of their use cannot be quantified at this time.

In enforcing the statutory ban brought under the Health Act 2006, the council's prohibition on the smoking of tobacco products in enclosed public and workplaces is extended, in this policy, to using electronic cigarettes, otherwise known as 'vaping', within all council workplaces, premises or vehicles. Therefore, all council buildings, grounds, car parks and council vehicles will continue to be smoke/vapor-free apart from those authorised and designated smoking areas.

This policy does not aim to dictate whether an employee has the right to smoke, but is concerned with where and when they smoke, or 'vape', when using an e-cigarette, together with its effect on colleagues and the wider community.

1.4 Who does the policy apply to?

This policy covers all employees of Peterlee Town Council. Employees, elected members and other individuals representing the council must also be aware of their responsibilities within this policy when working on or from council buildings, grounds and vehicles.

1.5 Responsibilities

Managers and supervisors are directly responsible for the fair application of this policy in the areas of their responsibility.

1.6 Monitoring

It is intended the policy will be self-enforcing. An employee meeting visitors or clients at a council building or facility must politely advise them of this policy. However, all employees should not enter into any confrontational situation that may put at risk their own safety.

1.7 Publicising/distribution of the policy

A copy of this policy is available from managers or on cloud storage. New employees will be informed of the existence of this policy in recruitment and induction information.

1.8 Leadership in the community

Peterlee Town Council has a recognised duty to demonstrate leadership in our community on the issue of reducing the level of smoking in Peterlee. The council recognises that this policy may have a significant influence on the thinking and attitudes towards smoking in the wider community. Where possible and appropriate, the council will work in partnership with, and actively support other agencies and community groups who are promoting a non-smoking environment.

2 Operational guidance

2.1 Buildings and grounds

Smoking/vaping will not be permitted in council buildings, grounds, car parks and council vehicles apart from any external designated smoking area as detailed in section 2.2 below.

2.2 Designated smoking areas

Accessible externally designated smoking/vaping areas have been allocated following a suitable risk

assessment and local consultation. Designated smoking/vaping areas are not located near any entrance area of a council building and should not put others at risk from any second-hand smoke/vapor.

Designated smoking areas will be marked by a sign and managed to include appropriate facilities for discarded cigarette ends and disposable e-cigarette cartridges which will be routinely emptied.

Designated smoking areas for the council buildings are detailed as below:

Shotton Hall	Smoking shelter for members of the public, customers and contractors
	Top left of the Burdon Suite for facilities team and catering staff
The Pavilion	To the side of the front of the building in the hatched area for members of the public, customers and contractors
	The rear yard area for employees
Eden Lane Parks Depot–	Outside of the gate to the compound for employees

2.3 Council employees (and elected members)

Employees will be permitted to smoke/vape when they are off-duty in a meal break or in an agreed unpaid break, (where they are required to sign in and out of their building for safety purposes), and must use one of the designated areas.

Elected members can smoke/vape when they are not on official council business or within council premises. Employees who do smoke/vape in their own time are encouraged to minimize their identity as a council employee; for example, proximity to council liveried vehicles with personal council badges, uniform and logos covered up.

Smoking/vaping breaks are not permitted during paid working time.

All reasonable efforts will be made to minimize the exposure of employees to second-hand smoke or vapor. Any employee concerned about such exposure should seek advice and support through their manager or the Town Clerk.

2.4 Vehicles

Smoking/vaping is not permitted at all in council owned or leased vehicles. Employees must not smoke/vape when in a privately owned vehicle, whilst on council business and carrying passengers. Employees should also consider not smoking/vaping when they are travelling alone in their privately owned vehicles on council business, particularly if they are picking up passengers on the journey. Employees designated as 'drivers' of council vehicles must observe the requirements of this policy.

The Smoke-free (Private Vehicles) Regulations 2015 states that it is an offence for a person of any age to smoke in an enclosed private vehicle that is carrying someone who is under 18.

2.5 Members of the public and contractors

Members of the public and contractors should be made aware of the council's No Smoking Policy and

directed to the designated smoking areas.

2.6 Events

As part of the hiring agreement for events, customers will be made aware of the council's No Smoking Policy and the designated smoking areas to be used by members of the public and guests.

The council will not approve buildings, vehicles, facilities and advertising space to be used for promoting or sponsoring tobacco or tobacco products. The council will not sell tobacco or tobacco products.

2.7 Health guidance & Support

2.7.1 NHS smoke free

NHS Stop Smoking Services offers a range of services for people who want to give up smoking. The local Stop Smoking Services can be contacted by telephoning the NHS National Smoking Helpline free on 0300 123 1044 or accessing the NHS Smokefree website <http://smokefree.nhs.uk/> **The NHS Stop Smoking Services may be accessed through a GP practice or pharmacist, paid time off to attend such sessions will be granted.**

For help on giving up smoking if pregnant call free on 0300 123 1044 or visit the above NHS Smokefree following website <https://www.nhs.uk/smokefree/why-quit/smoking-in-pregnancy>

2.7.2 Child safety

For general advice on keeping children safe from the effects of second hand smoke in the home visit 'Take7stepsout' <http://www.take7stepsout.co.uk/>

2.7.3 Health Assured, Employee Assistance Programme

Staff may use the Free 24 hour Confidential Helpline by ringing 0800 716017. This is offered in connection with the Occupational Health Support Service provided by Durham County Council.

3 Confidentiality

All information will be handled sensitively and used only for its proper purpose. Under the Data Protection Act 1998 individuals have the right to see their own personal data held subject to the rights of confidentiality of any third parties involved in that information.

4 Dealing with abuses of the policy

Employees who attempt to abuse this policy may face disciplinary action. The council takes false or

misleading accusations very seriously which may result in further action taken through the disciplinary procedure. This will not include ill-founded allegations that were made in good faith.

5 Equality and diversity

Peterlee Town Council is committed to promoting equality of opportunity, valuing diversity and ensuring discrimination, harassment or victimization is not tolerated.

Our aim is to treat people fairly, with respect and dignity. We also aim to comply with legal requirements in relation to age, disability, gender, pregnancy and maternity, marriage and civil partnership, gender reassignment, race, religion or belief and sexual orientation.

6 Contact details

If you would like any further advice or would like the document in an alternative format, please contact the Town Clerk using the contact details below:

Email: lan.morris@peterlee.gov.uk

Tel: 0191 586 2491 ext 204